

REMARKS

Reconsideration of the present application is respectfully requested. Claims 9, 16 and 35 have been amended as suggested by the Office Action to cure informalities. Claims 1, 30 and 41 have also been amended. Claims 1 – 41 are currently pending.

The present application was discussed at an applicant-initiated interview with the Examiner on May 4, 2006. Applicants thank the Examiner for agreeing to the interview, and the present amendments reflect the amendments discussed at the interview.

Objections to the Drawings

The drawings are currently objected to because FIG. 2B does not include a detail 218, which is mentioned in the description. Applicants have amended the specification to remove all references to detail 218. Accordingly, Applicants request withdraw of the present objection to the drawings.

Rejections based on 35 U.S.C. § 101

Claim 41 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office Action states, “This claim contains functional descriptive material, which is a program per se.” Claim 41 has been amended and now recites a “shell embodied on one or more computer-readable media and executable on a computer for presenting a plurality of items stored in a universal data store.” Applicants respectfully submit that claim 41, as amended, is directed to statutory subject matter. Section 2600(IV)(B)(1) of the MPEP states, “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

Accordingly, Applicants respectfully submit that claim 41 is in condition for allowance and request the withdrawal of the present rejection under 35 U.S.C. §101.

Rejections based on 35 U.S.C. § 102

Claims 1 – 18, 30 – 35 and 41 stand rejected under 35 U.S.C. §102(a) as being anticipated by an article titled MacOSXHints (MacOSXHints), which describes an operating system product named Mac OS 10.2. Applicants respectfully traverse the pending rejections.

Claims 1 – 18 and 41

Claims 1 – 18 and 41 stand rejected under 35 U.S.C. §102(a) as being anticipated by MacOSXHints. Applicants respectfully traverse this rejection because MacOSXHints does not disclose each and every limitation recited in independent claims 1 and 41, as amended. Specifically, MacOSXHints does not disclose a shell that “is configured to present an item containing said metadata to the user with said item decoration view defined by said metadata contained in said item,” as required by amended independent claims 1 and 41.

MacOSXHints addresses how the “Finder” feature of Mac OS 10.2 handles five different types of windows states. For example, the Finder saves the state of open windows “when you log out so that it can open them when you log back in.” This state information is stored in a file known as the “Library/Preferences/com.apple.finder.plist” file (the “plist file”). To save file icon locations, the Finder uses “an invisible file called .DS_Store located in the directory shown in the window.” As another example, the Finder saves a window’s custom “This window only” view options in a .DS_Store file stored in the parent directory. This .DS_Store file also contains the visibility state of a window’s toolbar. So MacOSXHints teaches storing window states in various separate and distributed files.

While MacOSXHints teaches storing window display properties in various files (*i.e.*, the plist and .DS_Store files), the display properties in these files relate to the presentation of windows, not the display of the files themselves (*i.e.*, not the display of the plist and .DS_Store files). Stated another way, the display properties taught by MacOSXHints in no way define how the plist and .DS_Store files themselves are to be represented by Mac OS 10.2's shell. Nowhere does MacOSXHints teach taking display information stored in a file and using this information to present that particular file.

In contrast, independent claims 1 and 41, as amended, require a shell that is configured to present an item to the user "with said item decoration view defined by said metadata contained in said item." MacOSXHints does not teach a shell that presents such an item with a decoration view defined by metadata contained in said item. Accordingly, Applicants submit that independent claims 1 and 41 are in condition for allowance. Applicants also submit that dependent claims 2 - 18, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1.

Claims 30 – 35

Claims 30 – 35 also stand rejected under 35 U.S.C. §102(a) as being anticipated by MacOSXHints. Applicants respectfully traverse this rejection because MacOSXHints does not disclose each and every limitation recited in independent claim 30, as amended. Specifically, MacOSXHints does not disclose "utilizing said metadata contained in a requested item to define one or more item decoration views for said requested item," as required by amended independent claim 30.

MacOSXHints has been previously discussed and teaches storing windows display properties in various files. To present a window to a user, these files may be accessed to discern

state information for the window. MacOSXHints, however, is silent regarding how these files are displayed to the user. In fact, one of the files, the .DS_Store file, is described as “an invisible file” and is apparently not presented to the user. Nowhere does MacOSXHints teach using display properties that are contained within a file to discern a presentation view for *that* particular file.

In contrast, independent claim 30, as amended, requires “utilizing said metadata contained in a requested item to define one or more item decoration views for said requested item.” MacOSXHints does not teach using metadata contained in an item to define a view for presenting that particular item. Accordingly, Applicants submit that independent claim 30 is in condition for allowance. Applicants also submit that dependent claims 31 - 35, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Rejections based on 35 U.S.C. § 103

Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Balabine, *et al.*, U. S. Patent No. 5,937,406 (“Balabine”). Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Balabine, further in view of a second article titled MacOSXHints (MacOSXHints2). Applicants respectfully traverse the pending rejections.

Dependent Claims 19 – 23, 25 – 29, 36, 37, 39 and 40

Dependent claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Balabine. Claims 19 – 23 and 25 – 29 depend from independent claim 1. Claims 36, 37, 39 and 40 depend from independent claim 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints.

Balabine also fails to disclose the invention of claims 1 and 30, individually or in combination with MacOSXHints. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints and Balabine, taken individually or in combination with one another, for at least the reasons stated above.

Dependent Claims 24 and 38

Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Balabine, further in view of MacOSXHints2. Claim 24 depends from independent claim 1. Claim 38 depends from independent claim 30. 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints. Balabine and MacOSXHints2 also fail to disclose the invention of claims 1 and 30, separately or in combination with MacOSXHints. Claims 24 and 38 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Balabine and MacOSXHints2, taken separately or in combination with one another, for at least the reasons stated above.

Conclusion

For the reasons stated above, Claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Reckers', written over a horizontal line.

Robert H. Reckers
Reg. No. 54,633

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Phone: 816/474-6550
Fax: 816-421-5547